

## OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 4000 – PERSONNEL

**Policy 4112.6**

### **Personnel Records**

The County Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, and those authorized by the Superintendent or designee. Official employee files shall be maintained at the Solano County Office of Education's (SCOE) central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

### **Placement of Material in Personnel Files**

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that s/he has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file.

### **Derogatory Information**

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose without a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement.

### **File Review by Employee**

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to SCOE, unless the employee is required to view the file where it is stored.

The Superintendent or designee shall do one of the following:

1. Keep a copy of each employee's personnel records at the place where the employee reports to work
2. Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request
3. Permit the employee to inspect the personnel records at the location where SCOE stores the personnel records, with no loss of compensation to the employee

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

**Policy 4112.6 (Continued)**

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations.

The Superintendent or designee shall not be required to make available to the employee:

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports, or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

File Review by Management

Management personnel or legal counsel with a valid "right to know" or "need to know" may, with the Superintendent's or designee's authorization, review an employee's personnel file.

Legal Reference:

EDUCATION CODE

- 35253 Regulations to destroy records
- 44031 Personnel file contents and inspection
- 44663 Performance appraisals and related materials

GOVERNMENT CODE

- 6254.3 Disclosure of home address and phone number

LABOR CODE

- 1198.5 Inspection of personnel files

PENAL CODE

- 11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

- 16020-16022 Records, general provisions
- 16023-16027 Retention of records

Policy Cross-Reference:

- 1312.1 Complaints Concerning District Employees
- 4112.41 Employee Drug Testing
- 4112.62 Maintenance of Criminal Offender Records
- 4115 Evaluation/Supervision
- 4117.4 Dismissal
- 4118 Suspension/Disciplinary Action
- 4119.23 Unauthorized Release of Confidential/Privileged Information
- 4141 Collective Bargaining Agreement
- 4218 Dismissal/Suspension/Disciplinary Action
- 5141.4 Child Abuse Prevention and Reporting